

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

THE ALABAMA DEMOCRATIC)
CONFERENCE, an Alabama political)
action committee, *et al.*,)

Plaintiffs,)

v.)

LUTHER STRANGE, in his official)
capacity as Attorney General of Ala-)
bama, *et al.*,)

Defendants.)

Civil Action No.
5:11-cv-02449-JEO

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND EVIDENTIARY SUBMISSION**

Defendants Attorney General Strange, District Attorney Broussard, and District Attorney Graham (collectively "the State") respectfully move the Court to enter summary judgment against Plaintiffs' sole remaining First Amendment claim (Count One of Plaintiffs' Complaint). *See* Fed. R. Civ. P. 56. The Court should grant final summary judgment in favor of Defendants.

1. The State incorporates its supporting brief, statement of undisputed facts, and evidentiary submissions that are being filed contemporaneously with this motion, as well as the submissions both parties previously have made in the course of this litigation. *See, e.g.*, docs. 7, 9 & 43 (and attachments).

2. Count One of the Complaint (Doc. 1) is not supported by substantial evidence. No material fact is in dispute and judgment is due as a matter of law on Count One in favor of the State and against each and every Plaintiff.

3. The exhibits attached to this document are as follows:

- Exhibit 1 – Declaration of Ashley Newman
- Exhibit 2 – Constitution of the Alabama Democratic Conference
- Exhibit 3 – List of State Democratic Executive Committee Members
- Exhibit 4 – Alabama Democratic Executive Committee Bylaws
- Exhibit 5 – Declaration of Lindsey Killough
- Exhibit 6 – Alabama Democratic Conference 2010 Initial Annual Report
- Exhibit 7 – Annotated List of Alabama Democratic Executive Committee Minutes
- Exhibit 8 – State’s Discovery Requests and Alabama Democratic Conference’s Responses

For the foregoing reasons, and as explained in more detail in Defendants’ contemporaneously-filed brief, the Court should grant final summary judgment in favor of Defendants on Plaintiffs’ sole remaining First Amendment claim (Count One of Plaintiffs’ Complaint) (Doc. 1).

Respectfully submitted this 25th day of April, 2014.

Respectfully submitted,

LUTHER STRANGE (ASB-0036-G42L)
Attorney General

Andrew L. Brasher (ASB-4325-W73B)
Solicitor General

s/William G. Parker, Jr.
Winfield J. Sinclair (ASB-1750-S81W)
James W. Davis (ASB-4063-I58J)
William G. Parker, Jr. (ASB-5142-I72P)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
(334) 242-7300
(334) 353-8440 (fax)
wsinclair@ago.state.al.us
jimdavis@ago.state.al.us
wparker@ago.state.al.us

**Attorneys for Attorney General Strange,
District Attorney Broussard, and District
Attorney Graham**

CERTIFICATE OF SERVICE

I certify that on April 25, 2014, I electronically filed the foregoing document using the Court's CM/ECF system which will send notification of such filing to the following persons:

Edward Still
130 Wildwood Parkway
Suite 108 - PMP 304
Birmingham, AL 35209
(205) 320-2882
still@votelaw.com

John K. Tanner
JOHN TANNER LAW OFFICE
3743 Military Road NW
Washington, DC 20015
(202) 503-7696
john.k.tanner@gmail.com

Norman O Grubbs
JOE M. REED & ASSOCIATES LLC
524 South Court Street
Montgomery, AL 36104
(334) 834-2000
ogrubbs@bellsouth.net

s/William G. Parker, Jr.
Winfield J. Sinclair (ASB-1750-S81W)
James W. Davis (ASB-4063-I58J)
William G. Parker, Jr. (ASB-5142-I72P)
Assistant Attorneys General